

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

COUNTY OF CAPE MAY, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants,

and

OCEAN WIND LLC,

Intervenor-Defendant.

HONORABLE KAREN M. WILLIAMS

Civil Action

No. 23-21201 (KMW-SAK)

ORDER

THIS MATTER comes before the Court by way of Defendants United States of America; the United States Department of the Interior; Deb Haaland, in her official capacity as Secretary of the Interior; the Bureau of Ocean Energy Management; Liz Klein, in her official capacity as the Director of the Bureau of Ocean Energy Management; the National Marine Fisheries Service; and Janet Coit, in her official capacity as the Administrator of the National Marine Fisheries Service's ("Government Defendants") Motion to Dismiss or, in the Alternative, for a Stay (ECF No. 38); Plaintiffs County of Cape May; Cape May County Chamber of Commerce; Clean Ocean Action; Garden State Seafood Association; Greater Wildwood Hotel and Motel Association; Lamonica Fine Foods, LLC; Lunds Fisheries; and Surfside Seafood Products LLC's (collectively, "Plaintiffs") Opposition (ECF No. 40); Government Defendants' Reply (ECF No. 41); and Intervenor-Defendant Ocean Wind LLC's ("Intervenor-Defendant," collectively with Government, "Defendants") Response thereto (ECF No. 48.) Also before the Court is Plaintiffs'

Motion for Leave to Amend (ECF No. 49); Defendants' Opposition thereto (ECF Nos. 50, 51); Plaintiffs' Reply (ECF No. 52); and Intervenor-Defendant's Sur-Reply (ECF No. 55).

WHEREAS, the Court observes that Government Defendants request that the Court dismiss the Complaint "without prejudice" (ECF No. 38-1 at 8); and

WHEREAS, the Court further observes that Plaintiffs argue in their Reply in Further Support of their Motion to Amend that "this case should be dismissed, without prejudice, and Cape May's Motion to Amend its Complaint denied as moot," (ECF No. 52 at 10); and

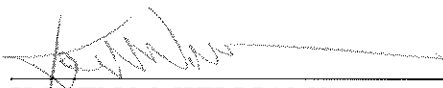
WHEREAS, the Court further observes that Intervenor-Defendant states in its Sur-Reply in Further Opposition to Plaintiffs' Motion to Amend that it "does not object to dismissal without prejudice in the interests of judicial efficiency," (ECF No. 55 at 3); and

WHEREAS, it appears to the Court that a dismissal without prejudice is indeed appropriate to secure the just, speedy, and inexpensive determination of this action;

Consequently, for the foregoing reasons; and for good cause shown;

IT IS this 20th day of **November, 2024**, hereby **ORDERED** as follows:

- 1) Government Defendants' Motion to Dismiss (ECF No. 38) is **GRANTED**.
- 2) Plaintiffs' Complaint (ECF No. 1) is hereby **DISMISSED WITHOUT PREJUDICE**.
- 3) Plaintiffs' Motion for Leave to Amend (ECF No. 49) is **DENIED**.



KAREN M. WILLIAMS
UNITED STATES DISTRICT JUDGE